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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,921	06/30/2000	Hiroaki Yasuda	Q58681	9683

7590

12/12/2005

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EXAMINER

LU, TOM Y

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/607,921		YASUDA, HIROAKI	
	<b>Examiner</b>		<b>Art Unit</b>	
	Tom Y. Lu		2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 17, 19, 22-24 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 17, 19, 22-24 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment and written response filed on 11/28/2005 has been entered and considered.
2. Claims 4-16, 18, 20-21, 25-26 and 30-31 are cancelled.
3. Claims 1-3, 17, 19, 22-24 and 27-29 are pending.
4. The indicated allowability of claims 1-3, 17, 19, 22-24 and 27-29 is withdrawn in view of the newly discovered reference(s) to Yanagita et al (U.S. Patent No. 5,982,953). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 17, 19, 22-24 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagita et al (U.S. Patent No. 5,982,953).
  - a. Referring to Claim 1, Yanagita discloses an image transfer and output method, comprising the steps of: i) feeding a plurality of original image signals representing radiation image information, which have been fed out from an image signal input apparatus, into an operation processing device (a plurality of radiographic images are fed out of a photo-stimulable phosphor, column 6, line

55, and the radiographic images are stored in an image storage section 1, and then input into an image processing section 5, column 7, line 27, also see figure 13. Note the image storage section 1 is the claimed input apparatus), ii) performing predetermined operation processing on the plurality of the received original image signals in the operation processing device to obtain an operation-processed image signal (see figure 2, the image processing is a subtraction process, which original image 1 is subtracted from original image 2 to obtain a difference image), iii) transferring at least one original image signal, which is among the plurality of the original image signals, to an image output device (see figures 14 and 15, one of the original images, original image 1 is transferred to display 6a for displaying), prior to the operation-processed image signal being obtained from the predetermined operation processing (as evidenced in figures 14-25, the examiner concludes the original image 1 is outputted to the image memory prior to the operation-processed image to be obtained because the original image 1 herein is used as a reference image. For example, when the original image 1 is displayed in display 6a and original image 2 is displayed in display 6b as shown in figure 25, the original image 1 is a reference image herein, and the operator can later display a processed image in display 6b while original image 1 stays the same in display 6a as shown in figure 14. The examiner notes although Yanagita discloses both images in displays 6a and 6b are displayed simultaneously, the original image 1 is stored in the image display memory prior to the arrival of the processed image as explained in the example provided above), iv) performing image outputting with

the image output device and in accordance with the one original image signal having been transferred (see figure 14, the original image 1 is displayed in display 6a), v) after the operation-processed image signal has been obtained from the predetermined operation processing, feeding the operation-processed image signal into the image output device, and vi) performing image outputting with the image output device and in accordance with the received operation –processed image signal (the processed image is displayed in display 6b as shown in figure 14).

- b. Referring to Claim 2, Yanagita discloses wherein, in cases where the operation processing device is located on the side of the image output device, the plurality of the original image signals are transferred to the operation processing device, and the operation processing is performed on the plurality of the transferred original images in the original processing device (see figure 13).
- c. Referring to Claim 3, Yanagita discloses wherein, in cases wherein the operation processing device is located on the side of the image signal input apparatus, the operation-processed image signal, which has been obtained from the operation processing device, is transferred to the image output device, and the image outputting is performed with the image outputting device and in accordance with the operation-processed image signal having been transferred (as explained in claim 1, the image signal input apparatus, image storage section 1, is different from the operation image processing device 5, and they are presumed to be located nearby each other. And the processed image is transferred to image memory 7b and displayed on display 6b).

- d. Referring to Claim 17, Yanagita discloses wherein the plurality of original image signals are transferred to the operation processing device from the image signal input apparatus through a network (the image input apparatus, image storage section 1, is connected with the image processing device through a network connection).
- e. With regard to Claim 19, see explanation in Claim 1.
- f. Referring to Claim 22, Yanagita discloses wherein the step ii) comprises adding an image signal obtained from an upper surface side of a stimuable phosphor sheet to an image signal obtained from a lower surface side of the stimuable phosphor sheet (the original images in Yanagita are image signals of combinations of low frequency images and high frequency images from a stimuable phosphor. Although Yanagita does not explicitly state in Patent No. 5,982,953, it is evidenced in JP Publication 08-336517, figure 1, a copy of translation is attached herein. The examiner notes it is possible to make a 35 U.S.C. 102 rejection even if the reference does not itself teach one of ordinary skill how to practice the invention, i.e., how to make or use the article disclosed. If the reference teaches every claimed element of the article, secondary evidence, such as other patents or publications, can be cited to show public possession of the method of making and/or using. In *re Donohue*, 766 F.2d at 533, 226 USPQ at 621. See MPEP § 2131.01 for more information on 35 U.S.C. 102 rejections using secondary references to show that the primary reference contains an "enabling disclosure.").

- g. Referring to Claim 23, Yanagita discloses performing a masking operation on each of the image signals obtained from the upper and lower surface sides of the stimuable phosphor sheet (column 8, lines 30-32, the pre-processing is the claimed masking operation).
- h. Referring to Claim 24, Yanagita discloses wherein, in said step vi, an image represented by the received operation-processed image signal is displayed on the image output device together with an image represented by said one original image signal (see figure 15).
- i. With regard to Claim 27, see explanation in Claim 1.
- j. With regard to Claim 28, Yanagita teaches the original images are combinations of high-frequency images and low frequency images obtained from a photo-stimulable phosphor. Also see explanation in Claim 22.
- k. With regard to Claim 29, see figure 13, the original images are outputted in parallel from image storage section 1 to image processing section 5.

### ***Conclusion***

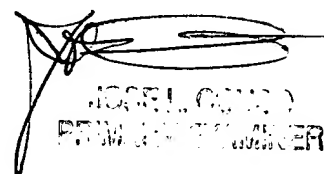
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y. Lu whose telephone number is (571) 272-7393. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Y. Lu



JOSEPH C. LU  
PATENT ATTORNEY